

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENUS PHARMACEUTICALS, LLC,

Plaintiff,

v.

C.A. No. 24-1025-JLH

HETERO USA, INC., HETERO LABS LTD.,
and HETERO LABS LTD. UNIT-VI,

Defendants.

JOINT INTERIM STATUS REPORT

Pursuant to Paragraph 14 of the Scheduling Order in this matter, Plaintiff Ingenus Pharmaceuticals, LLC (“Ingenus”) and Defendants Hetero USA, Inc., Hetero Labs Ltd., and Hetero Labs Ltd. Unit-VI (“Hetero”) (collectively, “the Parties”) jointly submit this “interim report on the nature of the matters in issue and the progress of discovery to date.” (D.I. 20 at ¶ 14)

Matters in Issue

In this Hatch-Waxman litigation, Ingenus alleges that Hetero infringes U.S. Patent No. 10,993,952 (“the ’952 Patent”). (D.I. 1) Ingenus has asserted the ’952 Patent against others.

On May 9, 2025, the U.S. District Court for the Northern District of Illinois granted summary judgment, finding the ’952 Patent to be invalid as indefinite and entering final judgment for Nexus and against Ingenus in that action. *Ingenus Pharm., LLC v. Nexus Pharm., Inc.*, No. 1:22-cv-02868, ECF No. 215, 216 (N.D. Ill. May 9, 2025). Ingenus has appealed this judgment to the Federal Circuit.

Currently pending in this matter are the following motions:

- Plaintiff’s motion to stay. (D.I. 49)
- Defendants’ motion for summary judgment. (D.I. 69)

Both motions are opposed and have been fully briefed.

Progress of Discovery to Date

Prior to briefing on the motion for summary judgment, the Court held a status conference on July 3, 2025. At this conference, the Court ordered that discovery was stayed until the briefing on the motion for summary judgment was complete. (D.I. 67 at 17:15–20 (Transcript)). That briefing was completed on August 14.

The parties' positions on the progress of discovery to date are below:

Plaintiff's Statement

Discovery should proceed in this matter until it is either stayed or judgment is entered. Defendants cannot have it both ways, opposing a stay and resisting all discovery and attempts to set a case schedule. Defendants' motion for summary judgment (D.I. 69) was fully briefed on August 14, 2025 (D.I. 74). Therefore, the limited stay with respect to discovery in this was case ended on August 14, 2025. Plaintiff has proposed a case schedule, and at present, a number of discovery disputes are ripe for the Court's resolution. Plaintiff will separately request the Court's assistance.

Defendants' Statement

On July 3, this Court granted Hetero leave to file a summary judgment motion and stayed discovery pending briefing of that motion. On July 24, 2025, Hetero filed a motion for summary judgment seeking a final judgment of invalidity of U.S. Patent No. 10,993,952 based on the collateral estoppel effect of a judgment in the Northern District of Illinois invalidating that patent. That motion has been fully briefed and is ripe for decision.

Plaintiffs have taken the position that discovery is now resumed in this case and have demanded that the parties brief and submit discovery disputes to Your Honor, despite the pending

summary judgment motion. Because the resolution of Hetero's summary judgment motion may moot the need for any discovery in this case, we respectfully submit that briefing discovery disputes would be an inefficient use of resources. In light of Plaintiffs' position and the lack of an operative schedule in the case, Hetero requests that the Court set a status conference to discuss the status of the case.

* * * *

Counsel is available at the Court's convenience should Your Honor have any questions.

Respectfully submitted,

Dated: October 17, 2025

SMITH KATZENSTEIN & JENKINS LLP MORRIS JAMES LLP

/s/ Daniel A. Taylor

Neal C. Belgam (No. 2721)
Daniel A. Taylor (No. 6934)
1000 N. West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400
nbelgam@skjlaw.com
dtaylor@skjlaw.com

Of Counsel:

Michael Dzwonczyk
John T. Callahan
L. Roman Rachuba II
SUGHRUE MION PLLC
2000 Pennsylvania Ave., N.W., Suite 900
Washington, D.C. 20006
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
mdzwonczyk@sughrue.com
jcallahan@sughrue.com
lrachuba@sughrue.com

*Attorneys for Plaintiff Ingenus
Pharmaceuticals, LLC*

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)
Cortlan S. Hitch (#6720)
3205 Avenue North Boulevard, Suite 100
Wilmington, DE 19803
(302) 888-6800
kdorsney@morrisjames.com
chitch@morrisjames.com

Of Counsel:

Neal Seth
Wesley E. Weeks
WILEY REIN LLP
2050 M St. NW
Washington, DC 20036
(202) 719-7000
nseth@wiley.law
weeks@wiley.law

*Attorneys for Defendants
Hetero USA, INC., Hetero Labs Ltd., and
Hetero Labs Ltd. Unit-VI*